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Definition of Solid Waste Compendium

Volume P: Precious Metals Reclamation

U.S. Environmental Protection Agency
Office of Resource Conservation and Recovery
Materials Recovery and Waste Management Division

Navigation Tips

To improve document navigation:

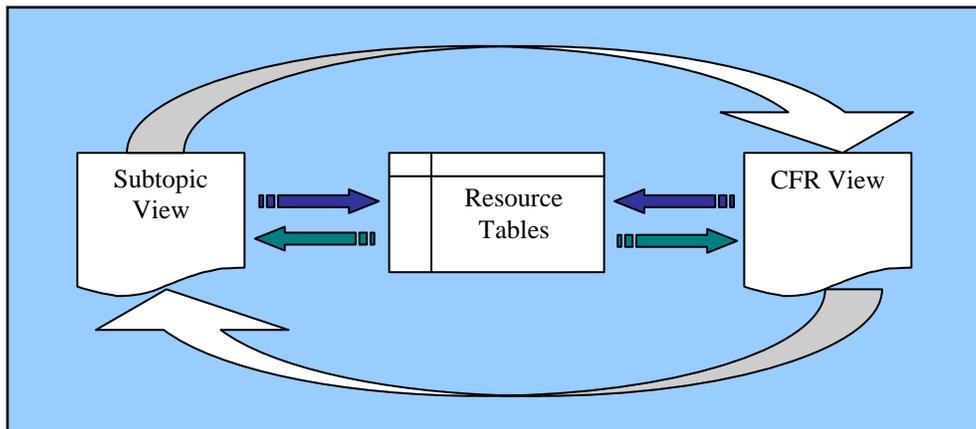
Using Microsoft Word

1. Use the  (back) and  (forward) buttons to navigate between document locations accessed via hyperlinks. These buttons can be accessed from the Navigation toolbar (View > Toolbars > Navigation). Alternatively, use ALT + Left (back) and ALT + Right (forward).
2. Use the Document Map. To show the Document Map, go to View > Document Map.

Using Adobe Reader (PDF)

1. Use the  (back) and  (forward) buttons to navigate between document locations accessed via hyperlinks. These buttons are found on the Navigation bar at the bottom of the document window.
2. Use the Bookmarks listed in the Bookmarks tab (located on the left-hand side of the document window).

Document Layout (arrows represent hyperlinks):



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E	Burning for Energy Recovery
F	Reclamation
G	Speculative Accumulation
H	Spent Materials
I	Sludges
J	By-Products
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P	Precious Metals Reclamation
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Introduction

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About the Compendium

The Definition of Solid Waste Compendium serves as a user-friendly reference to assist Environmental Protection Agency (EPA) and state staff, industrial facilities generating and managing solid and hazardous wastes, as well as the general public, in locating resources addressing specific regulatory issues within the federal Definition of Solid Waste regulations. Please note that this reference is designed to be web-based; therefore, the usefulness of the document is maximized when it is viewed on a computer that is connected to the internet.

A frequently mentioned comment from stakeholders is the need for EPA to improve the user-friendliness of the existing regulations. Commenters note that the applicable Definition of Solid Waste regulations and relevant guidance materials are difficult to locate and use. As a result, stakeholders have difficulty in understanding the regulations and identifying solid waste. The objective of this document is to address some of the commenters' concerns by consolidating and streamlining the Definition of Solid Waste into a helpful reference tool that features a user-friendly format, including references to EPA FAQs (Frequently Asked Questions), letters, memoranda, and guidance documents that EPA has provided to the public through the years to help stakeholders interpret the Definition of Solid Waste. This document does not change any of the existing solid or hazardous waste requirements.

The resources referenced in the Compendium may include Federal Register (FR) notices, documents from [Resource Conservation and Recovery Act \(RCRA\) Online](#) (e.g., RCRA Hotline Q&A's, letters, and memoranda issued by EPA), and other resources, as well as relevant Code of Federal Regulations (CFR) language. We have attempted to identify the relevant resources for each Compendium volume topic. However, please note that EPA could have inadvertently overlooked a relevant document and did not reference it. Certain available resources, such as superseded RCRA Online documents and items that were judged to be not pertinent, have not been referenced. Most of the referenced resources are not included or reproduced in the Compendium; instead, hyperlinks to the resources are provided. As an exception, we have included a version of relevant sections of the most current CFR language (as of the date on the cover of the Compendium) that we have reformatted to make it easier to read and find citations of interest. In addition, we also provide links to the [Government Printing Office's Electronic Code of Federal Register Web site](#) (e-CFR), which is updated almost daily.

Please note that this document is also not a rulemaking in any way. As well, the included reformatted CFR language is not a substitute for the CFR itself or the requirements in the CFR. The Government Printing Office frequently updates the e-CFR

Web site; where appropriate, hyperlinks to the respective CFR section at the e-CFR Web site are provided.

This reference document presents only the federal Definition of Solid Waste. Most states are authorized to manage their own solid and hazardous waste generator regulatory program. Therefore, states may have their own set of regulations that apply in lieu of federal regulations, and while most state solid and hazardous waste regulations are based on the federal requirements, some states have developed regulations more stringent than the federal program. We direct you to the following Web site to determine if the state regulatory program is different from the federal program:
<http://www.epa.gov/epawaste/wyl/stateprograms.htm>.

The Definition of Solid Waste includes multiple subtopics, and is codified under 40 CFR. To help users of the Compendium more quickly identify the information they need, and to make the Compendium more user-friendly in an electronic environment, the Compendium has been divided into multiple volumes. These volumes are available through EPA's Definition of Solid Waste Web site at <http://www.epa.gov/epawaste/hazard/dsw/compendium.htm>. Because regulations are promulgated throughout the year, EPA intends to update the Compendium volumes periodically to remain up-to-date with regulations relating to the Definition of Solid Waste.

About the Precious Metals Reclamation Volume

This volume of the Compendium references resources pertaining to the hazardous waste recycling regulations for precious metals reclamation. These regulations are found at 40 CFR 266.70.

This document is organized into three main sections:

- *Subtopic View* – lists subtopics for resources
- *Resources* – lists resources for a subtopic
- *CFR View* – CFR language we've reformatted for easy reading

The *Subtopic View* section lists subtopics among precious metals reclamation resources. The *Resources* section is comprised of a table, arranged by subtopic, that provides basic details about and a hyperlink to each resource. The *CFR View* section provides reformatted versions of the relevant CFR language. As noted previously, this reproduced language is not a substitute for the CFR itself or the requirements in the CFR. Additionally, the Government Printing Office frequently updates the e-CFR Web site to which the document is linked; where appropriate, hyperlinks to the respective CFR section at the e-CFR Web site are provided. These three main sections are cross-referenced, where each section includes hyperlinks to the other sections. Please see the "Navigation Tips" section for document navigation guidance.

This reference document does not provide guidance on solid waste or hazardous

waste regulations beyond issues relating to the hazardous waste recycling regulations for precious metals reclamation. For more information regarding the various regulations applied to facilities generating or managing hazardous waste, see [Hazardous Waste Generators: A User Friendly Reference Document](#).

The Compendium volumes are also available in Microsoft Word format from EPA upon request. For more information on these versions and any other questions or comments concerning this document, please contact EPA's Office of Resource Conservation and Recovery:

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Subtopic View

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Precious Metals Reclamation [§§261.1(c)(4), 261.6(a)(2)(iii); 266.70]

Resource Index:

- [Resources applicable to all subtopics](#)
- Resources specific to subtopic:
 - [Legitimacy](#)
 - [Silver](#)
 - [Other requirements](#)

Resources by Subtopic

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Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 48 FR 14472 – Hazardous Waste Management System (Proposed) [p. 14494]	4/4/1983	Federal Register	Yes	N/a/	PDF
	2. 50 FR 614 - Hazardous Waste Management System (Final) [pp. 633, 648-649]	1/4/1985	Federal Register	Yes	N/A	PDF
	3. §261.1(c)(4) - Definition of “reclaimed”	N/A	Code of Federal Regulations	No	N/A	e-CFR
	4. §261.6(a)(2) - Materials not subject to the requirements under this section	N/A	Code of Federal Regulations	No	N/A	e-CFR
	5. §266.70 - Applicability and requirements	N/A	Code of Federal Regulations	Yes	N/A	e-CFR
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Legitimacy	1. REGULATORY DETERMINATION ON THE STATUS OF PRECIOUS METAL RECOVERY FURNACES	12/27/1993	Memo	Yes	Summary	PDF
	2. ECONOMICALLY SIGNIFICANT AMOUNTS OF PRECIOUS METALS	7/15/1998	Memo	Yes	Summary	PDF
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Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
<i>Silver</i>	1. PHOTOGRAPHIC FIXER RECYCLING	7/16/1990	Memo	Yes	Summary	PDF
	2. REGULATORY STATUS OF SILVER-CONTAINING WASTEWATER TREATMENT SLUDGES WHEN RECYCLED	4/29/1993	Memo	Yes	Summary	PDF
	3. APPLICABILITY OF RCRA SUBTITLE C REGULATIONS TO SILVER RECLAMATION OPERATIONS OF SPENT PHOTOGRAPHIC FIXER SOLUTIONS	2/28/1994	Memo	Yes	Summary	PDF
	4. INTERPRETATION REGARDING THE REGULATORY STATUS OF SILVER RECOVERY UNITS UNDER RCRA REGULATIONS	10/5/1994	Memo	No	Summary	PDF
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<i>Other requirements</i>	1. BATTERIES, SCRAP METAL, AND PRECIOUS METALS	12/18/1985	Memo	No	Summary	PDF
	2. RECYCLED PRECIOUS METALS, BATTERIES FROM DEFENSE DEPT. SUPPLIES	11/19/1986	Letter	No	Summary	PDF
	3. RECYCLABLE MATERIALS WHERE PRECIOUS METALS ARE RECLAIMED	12/20/1989	Memo	No	Summary	PDF
	4. GENERATOR STORAGE REQUIREMENTS FOR PART 266, SUBPART F, PRECIOUS METALS	4/1/1997	Q&A	Yes	Summary	PDF
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CFR View Index

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NOTE: The CFR links in the below index are internal to this document.

CFR Location	Title/Topic
261.1	Purpose and scope
261.1(c)	(definitions) For the purposes of §§261.2 and 261.6
261.6	Requirements for recyclable materials
261.6(a)	Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of paragraphs (b) and (c) of this section, except for the materials listed in paragraphs (a)(2) and (a)(3) of this section.
266.70	Applicability and requirements

CFR View

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NOTE: The CFR language outline has been formatted

§261.1: Purpose and scope.

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[****Preceding section text omitted****]

(c) For the purposes of §§261.2 and 261.6:

[****Preceding subsection text omitted****]

(4) A material is “reclaimed” if it is processed to recover a usable product, or if it is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents.

[****Remaining section text omitted****]

§261.6: Requirements for recyclable materials.

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- (a) (1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of paragraphs (b) and (c) of this section, except for the materials listed in paragraphs (a)(2) and (a)(3) of this section. Hazardous wastes that are recycled will be known as “recyclable materials.”
- (2) The following recyclable materials are not subject to the requirements of this section but are regulated under subparts C through O of part 266 of this chapter and all applicable provisions in parts 270 and 124 of this chapter:
- (i) Recyclable materials used in a manner constituting disposal (40 CFR part 266, subpart C);
 - (ii) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under subpart O of part 264 or 265 of this chapter (40 CFR part 266, subpart H);
 - (iii) Recyclable materials from which precious metals are reclaimed (40 CFR part 266, subpart F);
 - (iv) Spent lead-acid batteries that are being reclaimed (40 CFR part 266, subpart G).
 - (v) U.S. Filter Recovery Services XL waste (40 CFR part 266, subpart O).

[****Remaining section text omitted****]

§266.70: Applicability and requirements.

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(a) The regulations of this subpart apply to recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these.

(b) Persons who generate, transport, or store recyclable materials that are regulated under this subpart are subject to the following requirements:

(1) Notification requirements under section 3010 of RCRA;

(2) Subpart B of part 262 (for generators), §§263.20 and 263.21 (for transporters), and §§265.71 and 265.72 (for persons who store) of this chapter; and

(3) For precious metals exported to or imported from designated OECD member countries for recovery, subpart H of part 262 and §265.12(a)(2) of this chapter. For precious metals exported to or imported from non-OECD countries for recovery, subparts E and F of 40 CFR part 262.

(c) Persons who store recycled materials that are regulated under this subpart must keep the following records to document that they are not accumulating these materials speculatively (as defined in §261.1(c) of this chapter);

(1) Records showing the volume of these materials stored at the beginning of the calendar year;

(2) The amount of these materials generated or received during the calendar year; and

(3) The amount of materials remaining at the end of the calendar year.

(d) Recyclable materials that are regulated under this subpart that are accumulated speculatively (as defined in §261.1(c) of this chapter) are subject to all applicable provisions of parts 262 through 265, 270 and 124 of this chapter.

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*****End of Precious Metals Reclamation CFR Excerpts *****

Glossary of Acronyms

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Acronym	Meaning
CFR	Code of Federal Regulations
e-CFR	electronic Code of Federal Regulations
EPA	Environmental Protection Agency
FR	Federal Register
OECD	Organisation for Economic Co-operation and Development
RCRA	Resource Conservation and Recovery Act